

United States Court of Appeals For the First Circuit

No. 04-2474

SCOTT STERN, and other persons similarly situated in the
Commonwealth of Massachusetts; and other persons similarly
situated in the United States of America; and other persons
similarly situated not currently residing within the
Commonwealth of Massachusetts or the United States of

America
Plaintiff - Appellant

*Mr. William
Ruane*

v.

UNIVERSITY OF MASSACHUSETTS AT AMHERST; UNIVERSITY OF
MASSACHUSETTS HEALTH SERVICES; BERNADETTE MELBY,
Director of the University of Massachusetts
Health Services, in her official capacity; BRIAN BURKE,
Associate Counsel, University of Massachusetts at Amherst,
in his official capacity; UNIVERSITY OF MASSACHUSETTS BOARD
OF TRUSTEES; MASSACHUSETTS BOARD OF HIGHER EDUCATION;
DIVISION OF HEALTH CARE FINANCE AND POLICY

Defendants - Appellees

CERTIFIED COPY

I HEREBY CERTIFY THIS DOCUMENT
IS A TRUE AND CORRECT COPY OF
THE ORIGINAL ON FILE IN MY OFFICE
AND IN MY LEGAL CUSTODY.

FIRST CIRCUIT COURT OF APPEALS
BOSTON, MA

By:  Date: 12/1/04

ORDER OF COURT
Entered: December 1, 2004

This court has docketed plaintiff's appeal from the memorandum and order denying preliminary injunction entered on October 15, 2004 in CA No. 04-30176 (D. Mass.) as Appeal No. 04-2474. On October 22, 2004, plaintiff filed a motion for reconsideration. Pursuant to Fed. R. App. P. 4(a)(4)(A), the notice of appeal does not become effective until the district court disposes of the post-judgment motion.

Therefore, appellant is directed to file a status report by **December 31, 2004** and at thirty day intervals thereafter, informing this court of any action taken by the district court on the post-judgment motion. Further, the appellant is directed to inform this court whether or not he intends to file a notice of appeal from the district court's post-judgment order. See Fed. R. App. P. 4(a)(4)(B). While appellant is encouraged to proceed with ordering all necessary transcripts to pursue this appeal, the time to file a transcript order form is enlarged to 10 days after the district court disposes of the above-mentioned motion. See Fed. R. App. P. 4(b)(1).

Failure to comply with this order may lead to dismissal of this appeal for lack of diligent prosecution. Local Rule 3(b).

Once the district court rules on the motion for reconsideration, it is directed to forward its decision to this court forthwith.

By the Court:
Richard Cushing Donovan, Clerk

LYNNE ALIX MORRISON

By: _____
Appeals Attorney

certified copies: Honorable F. D. Saylor and Mr. William Ruane, [✓] Acting Clerk, U.S. District Court
for the District of Massachusetts

cc: Scott Stern
Geoffrey B. McCullough, Esq.
Salvatore M. Giorlandino, AAG